

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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CLERK OF DIST. CT.
U.S. DIST. CT.

UNITED STATES OF AMERICA.

Plaintiff,

vs.

CASE NO: 00-6028
CR DIMITROULEAS

David Tracy,
In Propria Persona, Sui Juris.

Accused.

MOTION FOR RELEASE PENDING SENTENCING AND/OR APPEAL

I, David G. Tracy, In Propria Persona, move this Honorable Court to enter an order for my release pending sentencing and/or appeal pursuant to 18 U.S.C. 3142 and/or 18 U.S.C. 3143 and or 18 U.S.C. 3145 and Federal Rules of Appellate Procedure Rule 9 and/or from any other source which entitles me to gain release, and in support thereof states the following grounds:

1. I have been found guilty of one count of Willfully Evading Income Taxes in violation of 26 U.S.C. 7201 and am presently incarcerated in a Federal Institution in the Southern District of Florida.

2. I was acquitted on another similar charge and the jury was hung on a third similar charge. I have been informed that the Government has dismissed the charge upon which the jury was hung. Moreover, I have timely filed a notice of appeal with the Southern District of Florida.

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3. If released upon recognizance bond pending sentencing and/or appeal, there is not a likelihood that I will to flee, nor would I pose a danger to the safety of any other person or the community if released.

4. I sincerely believe that my appeal raises a number of substantial questions of law and fact likely to result in reversal and my appeal is not for the purpose of delay.

5. I am prosecuting my appeal In Propria Persona and am not able to have reasonable access to legal, court and other necessary resources while I am incarcerated.


6. There is a high likelihood that, should I be successful in my appeal, I would have already served my sentence, which I am informed would be from twelve (12) to eighteen (18) months, give or take, and therefore would be irreparably damaged.

7. This Honorable Court is fully aware of the issues to be complained of by me on appeal, including but not limited to, ineffective assistance of counsel who admittedly was incompetent in the elements of my case among other things; forced representation against my will and over my objections in violation of Faretta; Incarceration without the assistance of counsel in violation of Argersinger; issues dealing with my right to challenge the array and individuals of the grand jury and evidence presented thereto; various challenges to the lack of arraignment; and other challenges which are sincere and not for purposes of delay.

8. I have been in contact with my Court appointed counsel and he has informed me that although I am a candidate for release, he is busy with his own problems and other clients and will get around to introducing a Motion for Release in a couple of weeks or so and that I should not be concerned because the time I am serving presently counts towards

my total sentence.

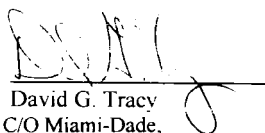
WHEREFORE I respectfully request that this Honorable Court release me on my own recognizance or in lieu thereof, conditioned upon such a bond as the Court deems just and proper under the 8th Amendment and for any and such other relief as is warranted in this circumstance and/or for any relief sua sponte which I, as a layperson am entitled to, but have innocently neglected to plead herein. I further request that this Motion be heard in an expedited manner.



David G. Tracy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed/hand delivered to Matthew Menchel, A.U.S.A., 500 E. Broward Blvd., Suite 700, Fort Lauderdale, Florida, c/o the United States Attorney's office, Florida, and Honorable William P. Dimitrouleas, Southern District of Florida, 300 East Broward Blvd., Fort Lauderdale, Florida 33394 United States District Court Judge, on this 15th day of June, 2000.


David G. Tracy
C/O Miami-Dade,
Federal Detention Center
Miami, Florida
Florida [33339]
Pro Per, Defendant